

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

Bail Appl..No. 5653 of 2007()

CRIME NO. 664/07 OF KODUNGALLUR POLICE STATION

PETITIONER/2ND ACCUSED:

SAIJU, S/O. VELAYUDHAN,
AGED 20 YEARS, THAIPARAMBIL HOUSE,
METHALA VILLAGE, KODUNGALLUR.

BY ADV. SRIP.K.ANIL

RESPONDENTS: COMPLAINANT & STATE:

1. THE SUB INSPECTOR OF POLICE,
KODUNGALLUR POLICE STATION.
2. STATE, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 5653 of 2007

Dated this the 4th day of October, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations punishable, inter alia, under Section 308 r/w. 34 I.P.C. The learned Prosecutor took the stand that the petitioner has not been arrayed as an accused and that the Investigator wants time to ascertain the complicity of the petitioner. Interim directions were issued. The petitioner appeared before the Investigating Officer. Opportunity for interrogation was granted. Subsequently the petitioner has been arrayed as an accused in the crime, it is submitted. The learned Prosecutor submits that it is not necessary to interrogate the petitioner in custody any longer. The petitioner can be granted anticipatory bail, it is submitted.

2. I am satisfied, in the facts and circumstances of this case, that directions under Section 438 Cr.P.C. can be issued in favour of the petitioner.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 10.10.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 10.10.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 10.10.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 10.10.2007.

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(R. BASANT)
Judge

